IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

IN THE MATTER OF ALL CRIMINAL CASES WITH INDICTMENTS FILED ON OR BEFORE DECEMBER 31, 2020

FILED

MAY 1 7 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

DEPUTY CLERK

ORDER REGARDING THE RESUMPTION OF CRIMINAL JURY TRIALS

The Western District of Texas, San Antonio Division has entered various orders in criminal cases related to the COVID-19 pandemic and abating any Speedy Trial Act deadlines as a result. As the positivity rate in the San Antonio region has declined, the Court has resumed criminal jury trials as of May 3, 2021. Although the COVID-19 positivity rates have declined, it is nevertheless necessary to maintain social distancing in the John H. Wood, Jr. United States Courthouse. To maintain social distancing, it will be necessary to utilize three courtrooms on the first floor to conduct a criminal felony jury trial. As a result, the criminal dockets of all the San Antonio district judges must be coordinated and a master jury trial calendar established. By separate order the Court abated any Speedy Trial Act deadlines because of the continuing pandemic, and the physical limitations of the John H. Wood, Jr. United States Courthouse to accommodate the necessary social distancing requirements recommended by the Centers for Disease Control and Prevention (CDC) and local health authorities.

Accordingly, it is **ORDERED** that in all criminal cases with indictments filed on or before December 31, 2020, all criminal defense counsel and Assistant U.S. Attorneys meet and confer, no later than **July 30**, **2021**.

It is further ORDERED that counsel shall, at a minimum, confer on the following topics:

- 1. Whether the case will be resolved by a plea agreement;
- 2. If the case will not be resolved by a plea agreement, how many trial days the parties estimate the case will require;
- 3. Whether the parties agree to a bench trial;
- 4. If either parties demand a jury trial, whether the parties consent to jury selection before a United States Magistrate Judge;
- 5. Whether any discovery issues remain;
- Whether any motion to dismiss, motion to suppress, or motions to compel discovery are expected to be filed; and
- 7. A trial date that the parties reasonably expect that they will be ready to proceed.

By no later than five days after the above-referenced conference is held, counsel shall file a completed and signed Advisory, a copy of which is attached.

If the parties have filed a signed plea agreement, they are excused from this conference requirement. If the parties have already conducted a conference and filed an Advisory, they are excused from this Order. Cases wherein the sole allegation is a violation of 8 U.S.C. Sections 1325 or 1326 are excused from this conference requirement.

The parties are encouraged to conduct this conference via an in-person meeting with defense counsel, Assistant U.S. Attorney, and defendant physically present. In those cases, the appropriate Assistant U.S. Attorney will coordinate with the Divisional Clerk's office and U.S. Marshals Service to determine a location, date and time and any transport of the Defendant to the courthouse. However, in cases wherein the parties believe they can reach agreement without an in-person meeting, such cases may conduct this conference by audio or video conference.

Any defense counsel having questions about this order or the conference should confer with the CJA Panel Representative, the Federal Public Defender, or the appropriate Assistant U.S. Attorney before contacting the Court or Clerk's office.

Signed this _____ day of May, 2021.

ORLANDO L. GARCIA

CHIEF UNITED STATES DISTRICT JUDGE

United States District Court Western District of Texas San Antonio Division

United States of America, Plaintiff,		
v.	No. SA	
Defendant.		
Advisory to the Court Concerning the Order I	Regarding the Resumption of C	riminal Jury Trials
In accordance with the Court's Order Repart April 29, 2021, the parties today conferred regard advise the Court as follows:		
☐ The parties anticipate that the case will be	resolved by plea.	
☐ A trial will be necessary to resolve this cas	e.	
□ Defendant requests a continuance of	weeks.	
For those cases to be resolved by plea:		
■ The parties request a plea hearing date be s	set by the Court the week of:	
For those cases where a trial will be necessary:		
Number of defendants pending trial:		
Estimated length of trial (in days):		
■ The parties request a: bench trial / jury tria	1	
The parties consent to jury selection before	e a United States Magistrate Judge	e. yes / no / N/A
Date by which the parties reasonably expect	ct to be ready to proceed to trial:	
Additional notes (if any):		
ACKNOWLEDGED AND AGREED:		
, Attorne	ey for Defendant	Date
, Assistant United		Date